



10/02/02 144060
PATENT

Attorney Reference Number 4810-58563
Application Number 09/787,962

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kunst and Clemens

Art Unit: 1638

Application No. 09/787,962

Filed: March 22, 2001

For: A PLANT LONG CHAIN FATTY ACID
BIOSYNTHETIC ENZYME

Examiner: Elizabeth F. McElwain

Date: October 2, 2002

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on October 2, 2002 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Tanya M. Harding, Ph.D.
Attorney for Applicant

TECH CENTER 1600/2900

OCT 11 2002

RECEIVED

ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction Requirement dated July 2, 2002, for which a one-month period for response was set. Applicants hereby request a two-month extension of time, making the response due October 2, 2002. The proper extension fee is enclosed with this response.

REMARKS

The Examiner has issued a restriction requirement under 35 U.S.C. §§ 121 and 372, and requests that the Applicants elect a single invention pursuant to 37 CFR 1.499. Applicants traverse this restriction requirement on the ground that it is inappropriate in this case, and respectfully request that the Examiner withdraw the restriction requirement.

Applicants note the Examiner's reminder that a reply to this requirement must include at least a provisional election of the invention to be examined to be complete. To comply with this requirement, Applicants provisionally elect to pursue prosecution of Examiner's Group II (claims 15-19), with traverse. In addition, Applicants expressly reserve the right to contest the requirement of restriction in this and any future related application.

10/10/2002 GGEBREGI 00000090 09787962

01 FC:216

200.00 0P